

**COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 2, 2010**

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present: Todd Hanks, Ken O'Brien,

Absent: Tommy Thompson

3:00 PM Adjourning Into Executive Session For Consideration Of Appointment, Employment, Dismissal, Discipline, Promotion, Demotion Or Compensation Of A Public Employee Or Public Official

7:00 PM Regular Session

7:30 PM Public Hearing For Consideration Of The Roof #397 Road Watershed Area Ditch Petition Filed By Deborah Hetrick, Karen Irwin And Others

8:00 PM Final Hearing By The Commissioners For The Nuckles #20 Watershed Ditch Maintenance Petition (2010)

RESOLUTION NO. 10-990

3:00PM IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to adjourn into Executive Session at 3:02PM.

Vote on Motion Mr. Thompson Absent Mr. Hanks Aye Mr. O'Brien Aye

RESOLUTION NO. 10-991

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to adjourn out of Executive Session at 3:50PM.

Vote on Motion Mr. Hanks Aye Mr. Thompson Absent Mr. O'Brien Aye

RECESS UNTIL 7:00PM

7:00PM RECONVENING SESSION

RESOLUTION NO. 10-992

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JULY 26, 2010:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on July 26, 2010; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Absent Mr. Hanks Aye

RESOLUTION NO. 10-993

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM EMERGENCY MEETING HELD JULY 28, 2010:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve the following:

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WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in an emergency session on July 28, 2010; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous emergency meeting.

Vote On Motion Mr. Thompson Absent Mr. O'Brien Aye Mr. Hanks Aye

PUBLIC COMMENT

RESOLUTION NO. 10-994

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0730:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0730 and Purchase Orders as listed below:

| <u>Vendor</u> | <u>Description</u> | <u>Account</u> | <u>Amount</u> |
|----------------------|---------------------------------------|----------------|---------------|
| PO' Decrease | | | |
| ATLAS | Gasoline | 10011106-5228 | \$ 10,000.00 |
| PO' Increase | | | |
| Fabrizi Trucking | Cheshire Sewer Project Change Order 2 | 66711905-5415 | \$ 25,525.00 |
| TechSkills | WIA Training | 22311611-5348 | \$ 8,000.00 |
| Delaware Area Career | WIA Training | 22311611-5348 | \$ 10,000.00 |
| Hondros College | WIA Training | 22311614-5348 | \$ 5,000.00 |
| Delaware Motive | Auto Parts | 10011106-5228 | \$ 10,000.00 |
| Beems' | Gasoline | 10011106-5228 | \$ 50,000.00 |

| <u>PR Number</u> | <u>Vendor Name</u> | <u>Line Desc</u> | <u>Line Account</u> | <u>Line Amount</u> | <u>Line Number</u> |
|------------------|------------------------------------|------------------------------------|---------------------|--------------------|--------------------|
| R1005253 | FLOYD BROWNE ASSOC INC | ORANGE RD PUMP STATION ABANDONMENT | 66611903 - 5301 | \$8,500.00 | 0001 |
| R1005374 | NORTHWOODS CONSULTING PARTNERS INC | MAINT CONTRACT | 22411601 - 5325 | \$53,638.00 | 0001 |
| R1005388 | DESIGN BUILD SOLUTIONS INC | COURTHOUSE ROOF | 40111402 - 5410 | \$298,299.00 | 0001 |
| R1005388 | DESIGN BUILD SOLUTIONS INC | WOOD REPAIR | 40111402 - 5410 | \$10,000.00 | 0002 |

| <u>Vendor</u> | <u>Description</u> | <u>Account</u> | <u>Amount</u> |
|---------------------|----------------------|----------------|---------------|
| Voucher | | | |
| Ben Bro Enterprises | Rent Sandusky Street | 10011105-5335 | \$20,078.12 |

Vote On Motion Mr. Hanks Aye Mr. O'Brien Aye Mr. Thompson Absent

RESOLUTION NO. 10 -995

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve the following:

The EMS Department is requesting that Michael Schuiling attend Leadership Delaware Class of 2011 at the Delaware Area Chamber August 12, 2010 thur May 17, 2011, at the cost of \$790.00 (Fund 10011303).

Environmental Services is requesting that Joe Scherler, Duane Matlack, Ed Spiers, Ross Bigelow, Ric Irvine and Larry Eley attend a Fire Suppression and Fire Protection Seminar in Columbus, Ohio on August 18, 2010 at no cost.

The Administrative Service Department is requesting that Gina Fasone attend Leadership Delaware Class of 2011 at the Delaware Area Chamber August 12, 2010 thur May 17, 2011, at the cost of \$790.00 (Fund 10011102).

Vote On Motion Mr. O'Brien Aye Mr. Thompson Absent Mr. Hanks Aye

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RESOLUTION NO. 10-996**IN THE MATTER OF ACCEPTING THE TREASURER'S REPORT FOR THE MONTH OF JUNE 2010:**

It was moved by Mr. Hanks, seconded by Mr. O'Brien to accept the Treasurer's Report for the month of June 2010.

(Copy available for review at the Commissioners' Office until no longer of administrative value.)

Vote on Motion Mr. Thompson Absent Mr. Hanks Aye Mr. O'Brien Aye

RESOLUTION NO. 10-997

IN THE MATTER OF APPROVING A REQUEST TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION TO DETERMINE AND DECLARE A 45 MPH SPEED LIMIT FOR WILSON ROAD (CR #056) BETWEEN S.R. 36/37 AND N. GALENA ROAD IN EASTERN DELAWARE COUNTY:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve the following:

**Wilson Road (CR#056)
Speed Limit Change Request**

As the result of a speed limit study prepared by The Engineer's Office Staff, The Engineer is request that your Board consider adoption of a Resolution to request the Ohio Department of Transportation to raise the speed limit on Wilson Road to 45 mph.

Wilson Road is currently a posted 35 mph speed zone but, due to several factors identified within the study (traffic volume, road width, design speed and development) ODOT will consider raising the speed limit to 45 mph.

Therefore, The Engineer is recommending that a Resolution be passed by your Board to request the Director of the Ohio Department of Transportation to determine and declare a 45 MPH speed limit for Wilson Road (CR #056) between S.R. 36/37 and N. Galena Road in eastern Delaware County. Upon receipt of your Resolution, The Engineer's Office will send a letter of request and the Resolution to the Ohio Department of Transportation for their action

SPEED ZONE RESOLUTION

WHEREAS, a request has been made to this Board that the statutory vehicular speed limit established by Sec. 4511.21, Revised Code of Ohio is greater than that considered reasonable and safe on Wilson Road (CR#056) between S.R. 36/37 and North Galena Road, and

WHEREAS, this Board has caused to be made an engineering and traffic investigation upon the section of road described above, and

WHEREAS, it is the belief of this Board that such investigation confirms the allegation that the statutory speed limit of 35 mph is unrealistic.

NOW THEREFORE, BE IT RESOLVED by the Board of Delaware County Commissioners of Delaware, Ohio that:

Section 1. By virtue of the provisions of Sec. 4511.21, Revised Code of Ohio the Director of Transportation is hereby requested to review the engineering and traffic investigation and to determine and declare a reasonable and safe prima facie speed limit on Wilson Road (CR#056) between S.R. 36/37 and North Galena Road in Delaware County, Ohio.

Section 2. That when this Board is advised that the Director of Transportation has determined and declared a reasonable and safe speed limit on the section of road described in Section 1 hereof, standard signs, properly posted and giving notice thereof will be erected.

Vote on Motion Mr. Hanks Aye Mr. Thompson Absent Mr. O'Brien Aye

RESOLUTION NO. 10-998**IN THE MATTER OF APPROVING RIGHT OF WAY WORK PERMIT SUMMARY SHEET:**

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve the following work permits:

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Whereas, The Below Requests To Perform Work Within The Right Of Way Have Been Reviewed And Approved By The Delaware County Engineer;

Now Therefore Be It Resolved, That The Following Permits Are Hereby Approved By The Board Of Delaware County Commissioners:

| Permit # | Applicant | Location | Type of Work |
|----------|-----------------------|---|-------------------|
| U10-063 | VERIZON | HYATTS RD | INSTALL CABLE |
| U10-064 | SURBURBAN NATURAL GAS | MANSARD ESTATES SUBDIVISION | INSTALL GAS MAIN |
| U10-065 | WIDE OPEN WEST | HARVEST WIND/BENNINGTON ESTATES SUBDIVISION | INSTALL CABLE |
| U10-066 | WIDE OPEN WEST | S. OLD 3 C HIGHWAY | INSTALL CABLE |
| U10-067 | WIDE OPEN WEST | HIGHLAND LAKES NORTH | INSTALL CABLE |
| U10-068 | WIDE OPEN WEST | HIGHLAND HILLS AT THE LAKES | INSTALL CABLE |
| U10-069 | WIDE OPEN WEST | WILOW BEND SUBDIVISION | INSTALL CABLE |
| U10-070 | WIDE OPEN WEST | BIG WALNUT RD | BORE COPPER CABLE |
| U10-071 | CENTURY LINK | HOOVER WOODS RD | INSTALL CABLE |
| U10-072 | WIDE OPEN WEST | S. OLD 3 C HIGHWAY | INSTALL CABLE |
| U10-073 | WIDE OPEN WEST | EAGLE TRACE SUBDIVISION | INSTALL CABLE |
| U10-074 | WIDE OPEN WEST | TUSSIC STREET & LEWIS CENTER | INSTALL CABLE |
| U10-075 | WIDE OPEN WEST | FREEMAN RD | INSTALL CABLE |
| U10-076 | WIDE OPEN WEST | HIGHLAND LAKES EAST | INSTALL CABLE |
| U10-077 | WIDE OPEN WEST | HIGHLAND LAKES EAST & SOUTH | INSTALL CABLE |
| U10-078 | WIDE OPEN WEST | AUGUSTA WOODS | INSTALL CABLE |

Vote on Motion Mr. O'Brien Aye Mr. Thompson Absent Mr. Hanks Aye

RESOLUTION NO. 10-999

IN THE MATTER OF APPROVING RE-BID OF DEL-CR124-1.03, HOME ROAD WIDENING AT CONCORD TOWNSHIP HALL, APPROVING REVISED ESTIMATE, BID ADVERTISEMENT DATES AND BID OPENING DATE:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve the following:

Whereas, Resolution Number 10-771 declared the necessity of the improvements to DEL-CR124-1.03, Home Road Widening at Concord Township Hall and approved plans, specifications, estimate and setting the bid dates for the project;

Whereas, Bids were opened on the date approved in said Resolution Number 10-771;

Whereas, all Bids for the improvements known as DEL-CR124-1.03, Home Road Widening at Concord Township Hall, came in over the allowable rate of ten percent (10%) over the Engineer's original construction cost estimate of \$454,300;

Whereas, after re-review of the previously approved plans, specifications and estimate of the improvements known as DEL-CR124-1.03, Home Road Widening at Concord Township Hall, no changes to the plans and specifications are required, but that minor adjustments to the cost estimate were needed, making the revised estimate of the improvements known as DEL-CR124-1.03, Home Road Widening at Concord Township Hall, to be \$477,400;

Whereas, even with the revised cost estimate, none of the Bids submitted on the previously approved bid opening date were within the ten percent (10%) allowable rate over the revised cost estimate;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that:

- a. All plans and specifications for the improvements known as DEL-CR124-1.03, Home Road Widening at Concord Township Hall, will remain as approved under Resolution Number 10-771, and
- b. The revised Engineer's Cost Estimate for the project known as DEL-CR124-1.03, Home Road Widening at Concord Township Hall will be \$477,400;
- c. The Bid advertisement dates will be August 6, 2010 and August 13, 2010 in the Delaware Gazette with a Bid opening date of August 24, 2010 at 10:00 a.m. at the Delaware County Engineer's Office, 50 Channing Street, Delaware, Ohio 43015.

Vote On Motion Mr. Thompson Absent Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 10-1000

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IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATIONS AND A TRANSFER OF FUNDS FOR JOB AND FAMILY SERVICES:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve the following:

Transfer of Appropriation

| | | |
|--------------------------|------------------------------------|---------------|
| From | To | |
| 22311614-5348 | 22311611-5801 | \$ 160,000.00 |
| WIA ARRA/Client Services | Workforce Investment Act/Transfers | |

Transfer of Funds

| | | |
|------------------------------------|---|---------------|
| From | To | |
| 22311611-5801 | 22411603-4601 | |
| Workforce Investment Act/Transfers | JFS Workforce/Interfund Revenue | \$ 258,423.68 |
| 22511607-5801 | 22411604-4601 | |
| Children Services/Transfers | JFS Children Services/Interfund Revenue | \$ 403,392.25 |

Vote On Motion Mr. Hanks Aye Mr. O'Brien Aye Mr. Thompson Absent

RESOLUTION NO. 10-1001

IN THE MATTER OF AUTHORIZING THE SUBMITTING OF A GRANT APPLICATION FROM THE DEPARTMENT OF JOB AND FAMILY SERVICES TO THE COUNCIL FOR OLDER ADULTS TO FUND A YOUTH CHORE PROGRAM:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve the following:

Grant: Youth Chore Program
Source: Council for Older Adults
Grant Period: January 2011 – December 2011

Delaware County Department of Job and Family Services would like to continue to provide the Chore Service for seniors during 2011 which has been in operation since the summer of 1993. The youth crew members will be Workforce Investment Act (WIA) Program eligible participants who are low income or have special needs in some way. These youth will be responsible for contacting referrals made by Council for Older Adults staff, setting up appointments for the chores to be completed, obtaining directions, determining needed supplies and performing the actual work. In addition to the work aforementioned, the youth will participate in academic enrichment activities at the worksite and at the Delaware Area Career Center.

This program is funded with the COA Grant funds and WIA funds.

Vote On Motion Mr. O'Brien Aye Mr. Thompson Absent Mr. Hanks Aye

RESOLUTION NO. 10-1002

IN THE MATTER OF APPROVING THE A CHANGE IN THE PREVENTION, RETENTION AND CONTINGENCY PROGRAM TO ENABLE THE DEPARTMENT OF JOB AND FAMILY SERVICES TO PROVIDE MORE SERVICES TO FAMILIES INVOLVED WITH CHILDREN SERVICES AND TANF DOLLARS:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve the following:

Whereas, the Director of Jobs & Family Services recommends approval of the following changes to the Delaware County Prevention, Retention and Contingency Plan;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approves the following changes to the Delaware County Prevention, Retention and Contingency Plan;

**Proposed changes to the Delaware County
Prevention, Retention and Contingency Plan
Effective Date August 2, 2010**

Where as it is the intent of Delaware Job & Family Services to serve our community as effectively as possible. Job & Family Services proposes that the Family Preservation category of the Prevention, Retention and contingency, (PRC) program be amended as follows.

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1) Monetary Limit of \$1000.00 be eliminated. Future maximum benefit amounts to be determined on a case by case basis at the discretion of the Director and or the Director's designee(s). All other eligibility requirements remain intact.

Vote on Motion Mr. Thompson Absent Mr. Hanks Aye Mr. O'Brien Aye

RESOLUTION NO. 10-1003

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve the following:

The Director of The Child Support Enforcement Agency recommends hiring Patricia Wolfe as a Customer Service Specialist with the CSEA Department; effective August 16, 2010;

Therefore Be It Resolved, that the Commissioners approve hiring Patricia Wolfe as a Customer Service Specialist with the CSEA Department; effective August 16, 2010.

The Director of The Child Support Enforcement Agency recommends hiring Jerika Pounds as a Customer Service Specialist with the CSEA Department; effective August 9, 2010;

Therefore Be It Resolved, that the Commissioners approve hiring Jerika Pounds as a Customer Service Specialist with the CSEA Department; effective August 9, 2010;

The Director of Administrative Services recommends ending the probationary period and approving the accompany pay raise for Mark Strohl as the assistant Dog Warden; effective July 28, 2010, 2010;

Therefore Be It Resolved, that the Commissioners end the probationary period and approve the accompany pay raise for Mark Strohl as the assistant Dog Warden; effective July 28, 2010, 2010

Vote on Motion Mr. Hanks Aye Mr. Thompson Absent Mr. O'Brien Aye

RESOLUTION NO. 10-1004

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve the following:

The Director of Administrative Services recommends ending the probationary period and approving the accompany pay raise for Mark Strohl as the assistant Dog Warden; effective July 28, 2010, 2010;

Therefore Be It Resolved, that the Commissioners end the probationary period and approve the accompany pay raise for Mark Strohl as the assistant Dog Warden; effective July 28, 2010, 2010

Vote on Motion Mr. Hanks Aye Mr. Thompson Absent Mr. O'Brien Aye

**Commissioners' Committees Reports
(Refer To Cd Minutes For Entire Record)**

Commissioner Hanks

- Meeting With Indian Community
- Meeting With Mr. Cashman
- Meeting With ODOT District 6
- Transfers Report
- Staci Hines's United Way Lunch Cookout Raised \$350.00

Commissioner O'Brien

- Attended DKMM Policy Meeting On Tuesday
- Attended And Participated In The Community Action Organization Meeting Also On Tuesday
- Today Attended And Participated In An EMA Meeting
- Today Attended A Meeting With The Sheriff And Shremshock Architects, Inc. For The Jail

RECESS UNTIL 7:30PM

RECONVENE AT 7:30PM

RESOLUTION NO. 10-1005

7:30 PM - PUBLIC HEARING FOR CONSIDERATION OF THE ROOF #397 ROAD WATERSHED AREA

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DITCH PETITION FILED BY DEBORAH HETRICK, KAREN IRWIN AND OTHERS:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to open the hearing at 7:30PM.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Absent Mr. Hanks Aye

RESOLUTION NO. 10-1006

IN THE MATTER OF APPROVING, FOR A SPECIFIC OCCURRENCE, A SUSPENSION OF RULE 3-SPEAKER REGISTRATION; RULE 4-LIMITATIONS AND RULE 7-PUBLIC COMMENT PROCEDURE FROM THE RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve, for a specific occurrence, a suspension of Rule 3-Speaker Registration; Rule 4-Limitations; Rule 7-Public Comment Procedure from the Rules Governing Public Comment Before The Board Of County Commissioners Of Delaware County, Ohio

Vote On Motion Mr. Thompson Absent Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 10-1007

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE ROOF #397 ROAD WATERSHED AREA DITCH PETITION FILED BY DEBORAH HETRICK, KAREN IRWIN AND OTHERS:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to close the hearing at 8:35PM.

Vote On Motion Mr. Hanks Aye Mr. O'Brien Aye Mr. Thompson Absent

RESOLUTION NO. 10-1008

IN THE MATTER OF COMMISSIONERS ACCEPTING EXHIBITS 1-18 AS EVIDENCE FOR GRANTING THE PETITION FOR THE ROOF #397 ROAD WATERSHED AREA DITCH PETITION:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to accept the following:

Whereas, on February 4, 2010 a Ditch Petition to The Roof #397 Road Watershed Area Ditch was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, on June 25, 2010, Mr. McCauslin, filed an Application for a Lateral Amendment of the petition pursuant to section 6131.05 of the Ohio Revised Code; and

Whereas, the Board on Monday the 3rd day of May, 2010, conducted a view of the proposed improvements; and

Whereas, the Board on Monday the 2nd day of August, 2010, held a public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for The Roof #397 Road Watershed Area Ditch Petition; and

Whereas, before the close of the hearing a landowner or landowners submitted Exhibits 1-18 as evidence for granting the petition, and

Therefore, Be It Resolved, by the Board of Commissioners of Delaware County, Ohio accepts for review and consideration Exhibits 1-18 as evidence for granting the petition.

Vote On Motion Mr. O'Brien Aye Mr. Thompson Absent Mr. Hanks Aye

RESOLUTION NO. 10-1009

IN THE MATTER OF GRANTING THE PRAYER OF THE PETITION AND DIRECTING THE DELAWARE COUNTY ENGINEER TO PROCEED WITH PREPARATION OF PLANS, REPORTS, AND SCHEDULES FOR THE ROOF #397 ROAD WATERSHED AREA DITCH PETITION FILED BY DEBORAH HETRICK, KAREN IRWIN AND OTHERS:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas, on February 4, 2010 a Ditch Petition to The Roof #397 Road Watershed Area Ditch was filed with the Board of Commissioners of Delaware County (the "Board"); and

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WHEREAS, on June 25, 2010, Mr. McCauslin, filed an Application for a Lateral Amendment of the petition pursuant to section 6131.05 of the Ohio Revised Code; and

Whereas, the Board on Monday the 3rd day of May, 2010, conducted a view of the proposed improvements; and

Whereas, the Board on Monday the 2nd day of August, 2010, held a public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for The Roof #397 Road Watershed Area Ditch Petition; and

Whereas, after hearing testimony from property owners and the preliminary report of County Engineer, Chris Bauserman, the Board is prepared to issue its findings on the proposed improvements.

Therefore, Be It Resolved, by the Board of Commissioners of Delaware County, Ohio as follows:

Section 1. The Board hereby finds that the proposed improvement is necessary and that it will be conducive to the public welfare. The Board also finds that it is reasonably certain that the cost of the proposed improvement will be less than the benefits. Accordingly, the Board hereby grants the prayer of the petition. The hearing on the Petition is hereby adjourned to the date fixed for the filing of the reports, plans, and schedules by the Delaware County Engineer.

Section 2. The Board hereby orders the Delaware County Auditor to transfer \$ Zero from the general revenue funds of the county to the general drainage improvement fund.

Section 3. Upon the transfer of funds ordered in Section 2, the Board hereby orders the Delaware County Engineer to proceed with the preparation of plans, reports and schedules as presented for the proposed Roof #397 Road Watershed Area Ditch Petition. The Board hereby fixes August 2, 2012 as the date for filing of the engineer's reports, plans, and schedules. Upon filing of this information a public hearing date will be set and proper notification given to property owners in the affected watershed.

Section 4. THE BOARD HEREBY APPROVES ESTABLISHING A NEW ORGANIZATION KEY FOR THE ROOF #397 ROAD WATERSHED AREA DITCH PROJECT 40311436.

Section 5. This Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

Section 6. Sections 1, 4, 5, and 6 of this Resolution shall take immediate effect upon passage. Sections 2 and 3 of this Resolution shall take effect upon the expiration of the twenty-one day appeal period, provided no appeal has been taken.

Vote On Motion Mr. O'Brien Aye Mr. Thompson Absent Mr. Hanks Aye

RESOLUTION NO. 10-1010

8:00 PM FINAL HEARING FOR THE NUCKLES #20 WATERSHED DITCH MAINTENANCE PETITION (2010) FILED BY CHARLES AND BETTY SHEETS:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to open the Hearing at 8:45PM.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Absent Mr. Hanks Aye

RECESS FOR 5 MINUTES

RECONVENE AT 8:50PM

RESOLUTION NO. 10-1011

IN THE MATTER OF APPROVING, FOR A SPECIFIC OCCURRENCE, A SUSPENSION OF RULE 3-SPEAKER REGISTRATION; RULE 4-LIMITATIONS AND RULE 7-PUBLIC COMMENT PROCEDURE FROM THE RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve, for a specific occurrence, a suspension of Rule 3-Speaker Registration; Rule 4-Limitations; Rule 7-Public Comment Procedure from the Rules Governing Public Comment Before The Board Of County Commissioners Of Delaware County, Ohio

Vote On Motion Mr. Thompson Absent Mr. O'Brien Aye Mr. Hanks Aye

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RESOLUTION NO. 10-1012**IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE NUCKLES #20 WATERSHED DITCH MAINTENANCE PETITION (2010) FILED BY CHARLES AND BETTY SHEETS:**

It was moved by Mr. Hanks, seconded by Mr. O'Brien to close the Hearing at 9:05PM.

Vote On Motion Mr. Hanks Aye Mr. O'Brien Aye Mr. Thompson Absent

RESOLUTION NO. 10-1013**IN THE MATTER OF COMMISSIONERS FINDING AFFIRMING ORDER AND CONFIRMING THE ASSESSMENTS FOR THE NUCKLES #20 WATERSHED DITCH MAINTENANCE PETITION (2010) FILED BY CHARLES AND BETTY SHEETS:**

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas, on November 25, 2009, a Ditch Maintenance Petition for The Nuckles #20 Watershed Ditch (2010) was filed with the Board of Commissioners of Delaware County (the "Board"); and

Whereas, the Board on April 5, 2010 with Resolution 10-423 directed The Delaware County Engineer To Proceed With Preparation Of Plans, Reports, And Schedules For The Nuckles #20 Watershed Ditch (2010) Maintenance Project, and

Whereas, the Board on Monday the 2nd day of August 2010, held a final public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for The Nuckles #20 Watershed Ditch (2010) Maintenance Petition Project; and

Whereas, after hearing testimony from property owners; considering the schedules, plans, and reports filed by the County Engineer; and-considering the cost of location and construction, the compensation for land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, the Board is prepared to issue its findings on the proposed improvements.

Therefore, Be It Resolved, by the Board of Commissioners of Delaware County, Ohio as follows:

The Board hereby finds that the proposed improvement (maintenance assessment) is necessary and that it will be conducive to the public welfare. The Board also finds that it is reasonably certain that the cost of the proposed improvement (maintenance assessment) will be less than the benefits. Accordingly, the Board hereby grants the prayer of the petition and approves the maps, profiles, plans, schedules and reports prepared by the Delaware County Engineer, and

This Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

FURTHER BE IT RESOLVED, The maintenance fund shall be maintained, as needed, by an assessment levied not more often than once annually upon the benefited owners, as defined in [section 6131.01](#) of the Revised Code, apportioned on the basis of the estimated benefits for construction of the improvement. An assessment shall represent such a percentage of the estimated benefits as is estimated by the engineer and found adequate by the board or joint board to effect the purpose of [section 6137.02](#) of the Revised Code, except that at no time shall a maintenance fund have an unencumbered balance greater than twenty per cent (20%) of all construction costs of the improvement. The minimum assessment shall be two dollars. Any cost incurred from the petition project process will be paid from the annual ditch maintenance assessments

Vote On Motion Mr. O'Brien Aye Mr. Thompson Absent Mr. Hanks Aye

RESOLUTION NO. 10-1014**IN THE MATTER OF ADJOURNING THE MEETING:**

It was moved by Mr. Hanks, seconded by Mr. O'Brien to adjourn the meeting.

Vote On Motion Mr. Thompson Absent Mr. O'Brien Aye Mr. Hanks Aye

COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 2, 2010

Todd Hanks

Ken O'Brien

Tommy Thompson

Letha George, Clerk to the Commissioners